



## DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled COLD-ADAPTED INFLUENZA VIRUS, the specification of which (check one)

is attached hereto.

was filed on June 30, 1993, as Application Serial No. 08/082,846 and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

### PRIOR FOREIGN APPLICATION(S)

#### Priority Claim

(Number)	(Country)	(Day/Month/Year filed)	Yes	No
_____	_____	_____	Yes	_____
_____	_____	_____	Yes	_____

I hereby claim the benefit under Title 35, United States Code, section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

DECLARATION AND POWER OF ATTORNEY

Application Serial No.

Filing Date

Status - patented,  
pending, abandoned

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint Anna M. Lewak, Reg. No. 33,006, and each partner, attorney of counsel, associate and employee of Harness, Dickey & Pierce, who is a registered Patent Attorney, my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Harness, Dickey & Pierce, P. O. Box 828, Bloomfield Hills, Michigan 48303 (313) 641-1600.

1-0

Full name of sole or first inventor: Hunein F. Maassab

Inventor's signature: H. Maassab

Date: 9/10/93

Residence: 2446 Shannondale, Ann Arbor, Michigan 48104 MI

Citizenship: United States of America

Post Office Address: 2446 Shannondale, Ann Arbor, Michigan 48104

2-0

Full name of second joint inventor, if any: Martha Louise Herlocher

Second Inventor's signature: M. Louise Herlocher

Date: 9/10/93

Residence: 2142 Spruceway Drive, Ann Arbor, Michigan 48103 MI

Citizenship: United States of America

Post Office Address: 2142 Spruceway Drive, Ann Arbor, Michigan 48103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) or Patentee: Hunein F. Maassab and Martha Louise Herlocher  
Serial or Patent No.: 08/082,846  
Filed or Issued: June 30, 1993  
For: COLD-ADAPTED INFLUENZA VIRUS

Attorney Docket No.:

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: The Regents of the University of Michigan

ADDRESS OF ORGANIZATION: 475 E. Jefferson, Room 2354  
Ann Arbor, Michigan 48109-1248

TYPE OF ORGANIZATION:

University or other institution of higher education  
 Tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))  
 Nonprofit scientific or educational under statute of state of The United States of America  
(Name of state: \_\_\_\_\_)  
(Citation of statute: \_\_\_\_\_)  
 Would qualify as tax exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) if located in The United States of America  
 Would qualify as nonprofit scientific or educational under statute of state of The United States of America if located in The United States of America  
(Name of state: \_\_\_\_\_)  
(Citation of statute: \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled

COLD-ADAPTED INFLUENZA VIRUS

by inventor(s) Hunein F. Maassab and Martha Louise Herlocher described in

the specification filed herewith  
 application serial no. 08/082,846 filed June 30, 1993  
 patent no. \_\_\_\_\_ issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) AND 1.27(d)) - NONPROFIT ORGANIZATION**

held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Individual  Small Business Concern  Nonprofit Organization

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Individual  Small Business Concern  Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Robert L. Robb

Title in Organization: Director, Intellectual Properties Office

Address of Person Signing: The Regents of The University of Michigan  
475 E. Jefferson, Room 2354  
Ann Arbor, Michigan 48109-1248

Signature:  Date: 9-13-93



Attorney Docket No. 2115-00257

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: )  
Examiner: )  
Inventors: Hunein F. Maassab and Martha ) ESTABLISHMENT OF  
Louise Herlocher ) ASSIGNEE'S RIGHT TO  
Serial No: 08/082,846 ) PROSECUTE APPLICATION  
Filed: June 30, 1993 ) UNDER 37 C.F.R. § 3.73(b),  
For: COLD-ADAPTED INFLUENZA VIRUS ) AND POWER OF ATTORNEY  
\_\_\_\_\_  
)

Hon. Commissioner Of Patents & Trademarks  
Washington, D. C. 20231

Sir:

Under 37 C.F.R. § 3.73(b), the undersigned hereby states that documents evidencing an Assignment of the above-identified Application to the Assignee identified below have been reviewed, and further certifies that, to the best of Assignee's knowledge and belief, said Assignee is the owner of all right, title and interest in said Application:

Assignee: The Regents of the University of Michigan  
A Constitutional Corporation of the State of Michigan  
475 E. Jefferson Avenue, Room 2354  
Ann Arbor, Michigan 48109-1248

Assignment Document(s):  filed herewith.  
 previously filed,  
 Reel No. \_\_\_\_\_, Frame No. \_\_\_\_\_.

Assignee furthermore hereby appoints Anna M. Lewak, Reg. No. 33,006, and each other partner, attorney of counsel, associate and employee of Harness, Dickey & Pierce, who is a registered Patent Attorney, as attorney of record, with full power of substitution and

revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. I request the Patent and Trademark Office to direct all correspondence and telephone calls relative to this application to Harness, Dickey & Pierce, P. O. Box 828, Bloomfield Hills, Michigan 48303 (telephone 313-641-1600).



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Name: Robert L. Robb

Title: Director, Intellectual Properties Office

Date: 9-13-93

Assignee: The Regents of the University of Michigan